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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 OAKLAND DIVISION

13 UNITED STATES OF AMERICA, ) No. 4-11-70780-MAG  
14 Plaintiff, ) No. 4-11-70781-MAG  
15 v. ) STIPULATION AND ORDER TO  
EDUARD ARAKELYAN, and ) CONTINUE STATUS CONFERENCE  
ARMAN VARDANYAN, ) AND EXCLUDE TIME UNDER THE  
Defendants. ) SPEEDY TRIAL ACT  
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19 IT IS HEREBY STIPULATED AND AGREED between the plaintiff through its  
20 attorney, Joshua Hill, and the defendants through their undersigned attorneys, Leo Fasen and  
21 Jerry Kaplan, that the preliminary hearing or arraignment presently set for September 23, 2011,  
22 be continued to October 24, 2011 at 9:30 a.m. Defense counsel requires additional time to  
23 review the produced discovery and conduct necessary investigation. In addition, Mr. Kaplan  
24 will be unavailable for most of October. The parties agree that the delay is not attributable to  
25 lack of diligent preparation on the part of the attorney for the government or defense counsel.  
26 For these reasons, the parties request that time under the Speedy Trial Act be excluded based on  
27 the defense's need for reasonable time necessary for effective preparation, taking into account  
28 the exercise of due diligence. Defendant also agrees to waive the timing of a preliminary

STIPULATION AND ORDER  
No. 4-11-70780-MAG & 4-11-70781-MAG

1 hearing or indictment under 18 U.S.C. § 3161(b) and Federal Rule of Criminal Procedure 5.1.  
2 The parties agree that the waiver covers all time between the date of this stipulation and October  
3 24, 2011.

4 IT IS SO STIPULATED:

5 Dated: September 21, 2011

/S/

JERRY KAPLAN  
*Attorney for Defendant Vardanyan*

7 Dated: September 21, 2011

/S/

LEO FASEN  
*Attorney for Defendant Arakelyan*

10 Dated: September 21, 2011

/S/

JOSHUA HILL  
Assistant United States Attorney

## 13 ORDER

14 GOOD CAUSE HAVING BEEN SHOWN, it is hereby ordered that the hearing in this  
15 matter now scheduled for September 23, 2011 is hereby rescheduled for October 24, 2011 at  
16 9:30 a.m. before Magistrate Judge Laurel Beeler. Based upon the representation of counsel and  
17 for good cause shown, the Court also finds that failing to exclude the time between September  
18 21, 2011 and October 24, 2011 would unreasonably deny the defense the reasonable time  
19 necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C.  
20 § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the  
21 time between September 21, 2011 and October 24, 2011 from computation under the Speedy  
22 Trial Act outweigh the best interests of the public and the defendant in a speedy trial. Therefore,  
23 it is hereby ordered that the time between September 21, 2011 and October 24, 2011 shall be  
24 excluded from computation under the Speedy Trial Act. 18 U.S.C. §§ 3161(h)(7)(A) and  
25 (B)(iv). In addition, upon consent of defendant, the timing of a preliminary hearing or  
26 indictment is waived pursuant to 18 U.S.C. § 3161(b) and

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STIPULATION AND ORDER

No. 4-11-70780-MAG & 4-11-70781-MAG

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3 Federal Rule of Criminal Procedure 5.1. The waiver covers all time between September 21,  
4 2011 and October 24, 2011.

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6 DATED: September 22, 2011

  
HONORABLE DONNA M. RYU  
United States Magistrate Judge

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